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W+W

December 10, 1959

OFFICIAL-INFORMAL
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Dear Bob:

I refer to your letter of October 28, 1959 to Gene Boster, in which you discussed action which the Embassy should take in documenting the loss of citizenship by persons who have "defected" (Webster, Oswald cases, etc.). Gene has been looking into this matter but departed on leave yesterday before this reply could be typed.

We were in the process of preparing a reply, when we learned that the Passport Office had sent a confidential Wirom No. 1116 dated November 2, 1959 on the case of Lee H. Oswald which it believed answered your questions. However, upon reading this Wirom, I see that it refers only to the responsibility falling on the Embassy by reason of Section 1999 of the revised statutes to accept a citizenship renunciation when an American citizen makes known his wishes to this effect. Your question regarding the leeway which the Embassy has in pursuing the question of proof of acquisition of foreign citizenship has not been commented upon.

From our discussions with the Passport Office relative to these recent renunciation cases, I gather that you have raised a delicate question. We have gone quite fully into our position in SOV over the years of giving liberal interpretations to any regulations which pertain to the status of Americans in the Soviet Union. I am quoting below PPT's guidance in this matter.

"Here it seems that the opportunity to be 'lenient' is not considered to be available because specific provisions of law are involved which give us no discretionary authority. It would hardly seem reasonable, to say the least, to expatriate a man in a friendly country and not do so in an 'unfriendly' country for the same expatriative act. We cannot do this and could get into serious trouble if we were to do it. Failure to act in a proper manner in the knowledge of specific actions could result in exclusion or deportation action by INS much to our embarrassment at a later date.

"The

Richard E. Snyder, Esquire,
Consul,
American Embassy,
Moscow.

THE C.I.A. HAS NO OBJECTION
TO THE DECLASSIFICATION OF
THIS DOCUMENT.

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"The securing of evidence necessary to establish a firm case of loss of citizenship is your responsibility and ours too. Whenever a case is before you for consideration you must expend the necessary effort to obtain evidence which establishes the real facts beyond any reasonable doubt. Such evidence is sometimes difficult to obtain and sometimes impossible. When it is difficult to obtain, the extra effort necessary has to be expended. When it is impossible to obtain, you can record what you have and if the case fails for the want of evidence, then so be it.

"In the Webster case the evidence has been strengthened by affidavits from Rand and Bookbinder. It is expected that the certificate of loss of citizenship will be approved. Your statement has been corroborated by them under oath."

Perhaps you should consider every case on its own merits and follow through in accordance with your best judgment keeping, however, the Passport Office thoroughly informed so that they can interpose other instructions if they believe this is necessary.

Sincerely yours,


Nathaniel Davis
Acting Officer in Charge
USSR Affairs

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EUR:SOV:VHJames:1kr 12-10-59

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